

The Honorable Ricardo S. Martinez
Noted for: May 21, 2021

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JIKIRI BAUTISTA, an individual, ARI SILVA, an individual;

NO. 2:18-cv-00757 RSM

Plaintiffs,

V.

WFS EXPRESS, a Delaware corporation,
CONSOLIDATED AVIATION SERVICES,
a New York corporation;

**ORDER GRANTING PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES,
COSTS AND CLASS
REPRESENTATIVE'S INCENTIVE
AWARD**

Defendants.

WHEREAS, Plaintiffs have submitted authority and evidence supporting Plaintiffs' Motion for Attorney's Fees, Costs and Class Representative's Incentive Award; and

WHEREAS, the Court, having considered the pleadings on file and being fully advised, finds that good cause exists for entry of the Order below; now, therefore,

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

1. Unless otherwise provided herein, all capitalized terms in this Order shall have the same meaning as set forth in the Plaintiffs' Motion for Attorney's Fees, Costs and Class Representative Incentive Award.

2. The Court having appointed Badgley Mullins Turner, PLLC and Abel M. Tsegga, PLLC, as Class Counsel.

3. Class Counsel has requested the Court award fees of \$153,750.00, which largely
ORDER GRANTING PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES, COSTS, AND INCENTIVE
AWARDS - 1
CASE NO. 2:18-CV-00757 RSM

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1 consists of the Defendants' settlement contribution, above and beyond the approximately
2 \$465,962 claimed for missed meal damages.

3 4. These requested attorney's fees are fair and reasonable under RCW 49.48.030.
4 The Court reaches this conclusion after analyzing: (1) the results Class Counsel achieved; (2)
5 Class Counsels' risk in this litigation; (3) the complexity of the issues presented; (4) the hours
6 Class Counsel worked on the case; (5) Class Counsels' hourly rate; (6) the contingent nature of
7 the fee; and (7) awards made in similar cases.

8 5. Class Counsel has submitted authority and declarations to support the Court's
9 lodestar cross-check. See Declaration of Duncan C. Turner, and Dkt. #43.

11 6. Class Counsel reasonably expended more than 587 hours on the investigation,
12 preparation, filing, and settlement of Plaintiffs' claims. They maintained detailed
13 contemporaneous time records recording the number of hours worked. Class Counsel exercised
14 billing judgment and billed efficiently.

15 7. Class Counsels' hourly rates - \$575.00 for Duncan Turner, \$300.00 for Abel
16 Tsegga, and \$350.00 for Mark Trivett – are reasonable hourly rates considering their individual
17 "experience, skill, and reputation," *see Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir. 1996) and
18 the prevailing market rates in this jurisdiction. *See Blum v. Stenson*, 465 U.S. 886, 895 (1984).

19 8. Applying these rates to the number of hours reasonably expended in litigation,
20 Class Counsels' fee lodestar is approximately \$157,611.50 This lodestar reflects work that was
21 reasonable and necessarily expended on the pursuing Plaintiffs' claims and that are estimated to
22 occur in concluding the case.

24 9. Here, Plaintiffs pursued the action under a remedial Washington employment
25 statute. Class Counsel pursued this action on a contingency fee basis and assumed the risk that if

they were unsuccessful, they would receive no compensation for their work on the certified questions or settlement negotiations. This action presented novel issues, including whether Defendants' liability was reduced by individual Class Members' alleged failure to properly record meal periods.

10. Class Counsel performed high-quality work, resulting in an extremely favorable collective settlement for Class Members. Class Members net recovery represents approximately 90.3% of the wages owed for missed regular and overtime meal periods. This is an excellent result for the Class.

11. Defendants agreed to pay Settlement Amount of Six Hundred and Fifteen Thousand dollars (\$615,000.00) to the Class Members, inclusive of any attorney's fees and costs. Further, the Defendants agreed to bear the cost of settlement notice and administration, and all payroll taxes arising from the Settlement Agreement. As such, the fees and costs incurred by Class Counsel were reasonable, necessary, and appropriately documented in the declarations filed by Class Counsel.

12. This Court also awards \$4,000.00 each to Plaintiffs Jikiri Bautista and Ari Silva as incentive awards for their service as the Class Representatives.

13. Based on the foregoing findings and analysis, the Court awards Class Counsel \$153,750 in attorney's fees, and \$33,255.87 in costs.

IT IS SO ORDERED this 3rd day of June, 2021.


RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

**ORDER GRANTING PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES, COSTS, AND INCENTIVE
AWARDS - 3**
CASE No. 2:18-cv-00757 RSM

1 Presented by:
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